IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL WRIT JURISDICTION

WRIT PETITION NO. 5597 OF 2006

ABASAHEB TUKARAM SAPKAL & ORS. ..PETITIONERS

V/S

BABASAHEB D. VHORKATE & ORS. ..RESPONDENTS

RAHUL S. KATE FOR PETITIONERS.

S.S. PATWARDHAN FOR RESP. NO.1.

CORAM : D.G. KARNIK, J.

DATE : 31ST AUGUST,2006.

P.C.

Heard learned counsel for the petitioners and respondents. This writ petition is directed against the order passed in Revision arising out of proceedings instituted under the Mamlatdar Court’s Act, 1906. Under section 22 of the Mamlatdar Court’s Act, 1906 the person against whom an injunction is granted shall have a right to get his right determined and decreed through a competent Civil Court. In the circumstances the petitioner has an alternate remedy. No ground has been made out in the writ petition why the petitioner is not in a position to avail of the alternate adequate remedy. In the circumstances I do not consider it proper to exercise the writ

jurisdiction. Accordingly the writ petition is dismissed summarily with liberty to the petitioner to avail of the alternative remedy.

(D.G. KARNIK, J.)